

REMARKS

Claims 1-37 are pending in the application. Claims 1-37 were rejected and remain active in the application. In view of the following remarks, reconsideration of the application is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-6, 10, 11, 20, 22, 28-32, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong et al. (Framework Architecture for Signaling Transport, June 1999, IETF Internet Draft), hereafter “Ong”, in view of Auerbach et al. (Session Manager, February 25, 1999, IETF Internet Draft) hereafter “Auerbach” (Session Manager).

Claims 7-9 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “Ong”, in view of “Auerbach” (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35, and further in view of Christie, IV U.S. Patent No. 6,445,695 (“Christie”).

Claims 12-16, 23-27, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “Ong”, in view of “Auerbach” (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35, and further in view of Auerbach et al., (Signaling Backhaul Protocol, February 25, 1999, IETF Internet Draft), hereafter, “Auerbach” (Signal Backhaul).

Claims 17, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “Ong”, in view of “Auerbach” (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35, and further in view of Kalmanek, Jr. et al. U.S. Patent No. 6,483,912 (“Kalmanek”).

Claims 18, 19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “Ong”, in view of “Auerbach” (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35 and further in view of Draft H.323, January 30, 1996, Telecommunication Standardization Sector of ITU (ITU-T).

Applicant respectfully traverses these rejections. Applicant maintains the positions set forth in the response to the previous Office Action, and believes that the claims and the relative positions of the Applicant and the Examiner are in form to proceed to appeal. It does appear from the remarks in the latest Office Action, however, that the Examiner may be applying a meaning to one claim term that was never intended, resulting in an examined claim scope that unreasonably exceeds that sought by the Applicant. Applicant desires to state clearly that should this matter proceed to appeal, a primary issue will be the reasonableness of the claim scope applied by the Examiner. If the meaning discussed below

is not the meaning intended by the Examiner, Applicant apologizes in advance for the misunderstanding. In any event, it would significantly reduce the issues for appeal were the Examiner to state the as-construed meaning for the disputed term.

Each rejected claim refers to “a plurality of packet-switched call signaling connections.” At pages 2 and 3 of the Office Action, the Examiner appears to argue that the recited signaling connections are not required to be individual packet-switched connections corresponding to individual packet-switched calls. Applicant reads the claims to include such a requirement. If Applicant had intended that the signaling connections not be limited to individual packet-switched signaling connections, Applicant could have recited “packet-switched-call signaling connections,” which by adding an additional hyphen between “switched” and “call” adds a distinctly different and broader meaning—a meaning that appears to be the meaning applied by the Examiner.

When the examined claim scope is appropriately limited, whether Ong’s “signaling transport information” is related to “packet-switched calls” as construed by the Examiner becomes irrelevant, because Ong does not provide a plurality of packet-switched connections, each transporting call signaling corresponding to one of a plurality of packet-switched calls. Auerback does not cure this deficiency.

The Examiner further stated that “to overlook the common subject matter of Ong and Auerbach is the same as admitting to not having even read the references.” Applicant has read the references and understands their subject matter—but that subject matter does not extend as far as the claimed elements or a suggestion to modify the references in a manner consistent with the claimed invention as stated above, and that is what Applicant has argued.

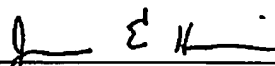
Accordingly, Applicant respectfully requests that the Examiner reconsider the present rejections. Applicant believes that in view of the clarification of positions presented above, withdrawal of the current rejections is warranted—the applied references clearly do not disclose or suggest all claim elements under the intended and reasonable construction of “packet-switched call signaling connections.” If, however, the Examiner believes that the current rejections should stand, Applicant respectfully requests that in responding to this Office Action the Examiner state the meaning applied to the term “packet-switched call signaling connections,” and the basis for that meaning, as the Examiner has identified from Applicant’s specification. Such a statement will likely crystallize the issues for appeal and allow Applicant to better evaluate a next course of action. As a third alternative, Applicant would be willing to consider any alternate language that the Examiner believes would clearly exclude the broad meaning applied by the Examiner.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-37 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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